

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTONIO RUBIO,

Plaintiff,

v.

MADERA COMMUNITY HOSPITAL,

Defendant.

Case No. 1:23-cv-00262-SAB

ORDER STAYING ALL PROCEEDINGS IN
THIS MATTER AGAINST DEFENDANT
PURSUANT TO 11 U.S.C. § 362, AND
VACATING ALL DATES AND MATTERS
INCLUDING JUNE 6, 2023, SCHEDULING
CONFERENCE

(ECF No. 12)

Antonio Rubio (“Plaintiff”) filed this action on February 17, 2023. (ECF No. 1.) On March 6, 2023, a summons was returned executed indicating Defendant was served on February 23, 2023, and that an answer was due on March 16, 2023. (ECF No. 6.) No responsive pleading was filed, nor a request for entry of default. On May 8, 2023, the Court ordered Plaintiff to file a request for entry of default or some other status report with the Court. (ECF No. 11.) On May 11, 2023, Plaintiff filed a notice of bankruptcy indicating that on March 10, 2023, Defendant Madera Community Hospital notified Plaintiff’s counsel via e-mail of its bankruptcy filing in the United States Bankruptcy Court for the Eastern District of California, Fresno Division, In re Madera County Community Hospital, E.D. Cal. Bankr. Case No. 23-10-457. (ECF No., 12.) Plaintiff suggests that pursuant to Section 362 of the Bankruptcy Code, all proceedings in this case regarding and relating to Defendant Madera Community Hospital should be stayed pending further order of the Bankruptcy Court.

Pursuant to 11 U.S.C. § 362(a), all actions against a defendant who has filed a bankruptcy petition are automatically stayed once the petition is filed. Sternberg v. Johnston, 595 F.3d 937, 943 (9th Cir. 2010).

Accordingly, IT IS HEREBY ORDERED that:

1. All proceedings in this matter, are STAYED pursuant to Section 362(a) of Title 11, United States Code; and
2. All pending dates and matters, including the scheduling conference currently set for June 6, 2023 (ECF No. 5), are VACATED, and to be reset if the stay of this action is lifted.

IT IS SO ORDERED.

Dated: May 15, 2023


UNITED STATES MAGISTRATE JUDGE